



DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Resources and Services  
Administration

Bureau of Health Professions

Rockville, MD 20857

**Privileged and Confidential**

Barkat Hooda, MD  
UTMB Pediatrics  
301 University Blvd  
Galveston, TX 77555

MAY 02 2011

COPY

Dear Dr. Hooda:

Your request for Secretarial Review of report *Databank Control Number (DCN)* 5500000064046116 to the National Practitioner Data Bank (NPDB) and/or the Healthcare Integrity and Protection Data Bank (HIPDB) has been forwarded for processing to the Secretarial Review staff of the Practitioner Data Banks Branch. The Secretary of the Department of Health and Human Services has delegated to the Division Director of the Practitioner Data Banks the authority to conduct these reviews.

Your case has been assigned to a Disputes Resolution Manager who will review your case and prepare a recommended Secretarial Review decision. If we need additional information, the assigned Disputes Resolution Manager may contact you and/or the entity that filed the report under review. All cases are decided in accordance with applicable law, regulation, and written policy guidance. Determination of fact is based solely on the written record available to us. The record includes the report itself and all correspondence and documents submitted to us by you and your legal counsel, if any, and by the reporting entity and the entity's legal counsel, if any. We do not hold hearings or gather information orally.

Our policy is to keep all parties fully informed as a case is processed. We do not engage in *ex parte* discussion; you, the reporting entity, and its attorney will receive copies of any future correspondence involving the substance of the case. If you have retained an attorney and authorize us in writing to share information about your case with your attorney, we also will send copies of future correspondence to your attorney. If you send correspondence to us in the future, please also send a copy of your correspondence to the reporting entity and its attorney, if any. The reporting entity and its attorney are also requested to send you copies of any correspondence they send to us.

***It is your responsibility to inform us in writing or by e-mail if you change your mailing address while your review is pending.*** You should send this notification to us at the address shown near the end of this letter. Your case will be processed and a decision will be entered into the NPDB-HIPDB even if the Postal Service returns to us as undeliverable correspondence we sent to you, including your copy of the decision letter.

We will not provide information about your case to anyone other than you, your attorney, the reporting entity, and its attorney. However, the NPDB-HIPDB will inform authorized queriers that the report is disputed and under Secretarial Review. Authorized queriers include only those who previously queried and received a copy of the report or who may query and receive one



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while this matter is pending. No other information about the case will be provided to queriers until the review is completed.

All requests for Secretarial Review are assigned and processed in the order in which they are received. Secretarial Review decisions are made as quickly as possible consistent with a thorough and fair review. It may take several months to review your case, especially if your case raises complex or new issues, if additional information is needed from you or the reporting entity, or if we need to obtain a legal interpretation from the Department of Health and Human Services Office of General Counsel.

Please also bear in mind that the law strictly limits the Secretary's jurisdiction in these cases. The Secretary cannot determine whether a reporter's decision to take an action concerning licensure, privileges, exclusion, etc., was correct or fair. The Secretary can *only* determine (1) if the report is legally required or permitted to be filed and (2) if the report accurately depicts the action taken and the reporter's basis for the action *as reflected in the written record*. Similarly, for malpractice payment reports the Secretary can only determine if the report accurately depicts a payment made on your behalf and the claimant's allegations, not whether malpractice was actually committed or the payment was justified.

If we determine that your request for Secretarial Review involves only your contention that the reporting entity was wrong to take action against you, that it acted unfairly, or that you did not commit malpractice and no payment should have been made, a decision to retain the report will be entered, and a Secretary's Statement will be added to the report noting the Secretary's limited jurisdiction and explaining that the issues you raised were "outside the scope of review." If your case involves only these issues, you may wish to withdraw your request for Secretarial Review to avoid having the Secretary's Statement added to the report. You may withdraw your request at any time before we make a decision in your case. However, once a decision letter has been signed, you are no longer permitted to withdraw your request for review, and the Secretary's Statement will be added.

If your case involves issues within the scope of our review, a full review of those issues will be conducted. Reports found to be neither required nor permitted will be removed ("voided"). Reports found to be properly filed and accurate will be retained. A statement will be added to the report noting that the report was reviewed and stating the Secretary's findings. Reporting entities will be requested to correct reports which are required but are found to be inaccurate under the guidelines discussed above. If the reporting entity fails to make a requested correction, the Secretary will make necessary changes or explain the nature of the error as part of the Secretary's Statement.

If a reporting entity files a Correction report while your Secretarial Review is pending, you will receive a copy of the corrected report. If the correction resolves the matter to your satisfaction, you need do nothing further. If you continue to want Secretarial Review despite the correction, you must notify the NPDB-HIPDB. The copy of the Correction report you receive will include instructions on how to notify the NPDB-HIPDB via the Internet.

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When we have completed our review, the Division of Practitioner Data Banks will mail a copy of the decision letter to you, to the reporting entity, and to the attorneys representing you or the reporting entity. If your report is voided and removed, the NPDB-HIPDB will also separately notify you as well as the reporting entity and all queriers who received a copy of the report. If the report is retained, we will give you the opportunity to submit a new Subject Statement for inclusion in the report along with the Secretary's Statement concerning the review and the decision. The NPDB-HIPDB will send the new version of the report including your Subject Statement (if any) and the Secretary's Statement to you, the reporting entity, and all queriers who received a copy of the report.

*You do not need to respond to this letter for us to process your case.* However, if you have questions about the processing of your case, need to change in your address, or want to withdraw your Secretarial Review request, you may write us at the following address:

Secretarial Review  
Practitioner Data Banks Branch (SV)  
5600 Fishers Lane, Room 8-103  
Rockville, MD 20857

E-mail may be sent to SecReview@HRSA.GOV. We cannot guarantee the confidentiality of e-mail while in transit. *In any correspondence, please refer to the Databank Control Number (DCN) of the report in question.* The DCN is found at the top of the box in the upper right corner of all pages of the report. Our telephone number is 301-443-2300, but we strongly discourage calls because of our policy prohibiting *ex parte* discussions. Please understand we cannot discuss the facts or issues in your case on the telephone.

I hope this information is helpful as you participate in the Secretarial Review process.

Sincerely,



Linda A. Redmond  
Compliance and Disputes Branch  
Division of Practitioner Data Banks

cc: Reporting Entity  
Attorney

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